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10/691,417	10/21/2003	Tsutomu Taniguchi	60083 (70904)	5969
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/691,417

**Applicant(s)**

TANIGUCHI ET AL.

**Examiner**

Pao Sinkantarakom

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 24, 25, 27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 24-25, 27, and 29-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 8, and 24 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 1-21, 24, 25, 27, and 29-30 are currently pending in the application. Claims 22-23, 26, and 28 have been canceled.

***Claim Rejections - 35 USC § 103***

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-13, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (US 6,775,705) and Eguchi (US 2001/0040694) in view of Murano (Newly Cited US 5,001,571).

**Regarding claims 1 and 8**, Maeda discloses a data transmission device (see column 2, lines 66 – 67) in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine (see column 3, lines 26 – 36), comprising:

a transmission data generation section which generates the transmission data and a reception result request to be transmitted to the receiving-end machine (see column 3, lines 9 – 13, wherein image reading processor, transmission processor correspond to a transmission data generation section; see column 5 lines 49-61 and column 9 lines 31-37, image-file processing capability information corresponds to the reception result request, wherein the information is sent to the receiving end so that the receiving end knows which image file can be processed, the receiving end also sends a notification to the transmitting end when there is a processing failure); and

a transmission control section (see column 4, lines 29 – 34, wherein CPU corresponds to a transmission control section) which controls and causes the transmission data generation section to generate the transmission data, and transmits

the generated transmission data along with the reception result request to the receiving-end machine (see column 5 lines 49-61 and column 9 lines 31-37, image-file processing capability information corresponds to the reception result request, wherein the information is sent to the receiving end).

Maeda fails to disclose a data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine. However, Eguchi from the same or similar fields of endeavor suggests a data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine (see paragraphs 42-46, the received electronic mail is transmitted with a receipt notification request).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine as taught by Eguchi into the device of Maeda.

The motivation for implementing the data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine is that it allows the receiving side to inform the electronic mail sender of result of mail reception (see paragraph 14).

Maeda and Eguchi do not expressly disclose a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be re transmitted, When the number of actual retransmissions is less than the predetermined set number of times, the transmission

data is retransmitted without altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine.

However, Murano, from the same or similar fields of endeavor, disclose a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be re transmitted (see column 5 lines 59-68, determines if the number of frame retransmissions exceeds a preset value),

when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine (see column 5 lines 25-33, retransmitting a new frame to the receiving side),

when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine (see column 5 lines 59-68, when the number of frame retransmissions exceeds a preset value, a small frame size is selected, where the frame size is broadly interpreted as the format and the small frame size is different from the standard frame size).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of

times to be re transmitted, When the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine as taught by Murano into the system of Maeda and Eguchi in order to automatically reduce the amount of retransmitted data and consequently reducing the transmission time without manual operation (see column 5 lines 44-49).

**Claims 9-13** are rejected the same reason as above.

**Regarding claim 2**, Maeda discloses when the retransmission data is generated, the transmission control section causes the retransmission data to have a most accepted format (see column 9, lines 25 – 27, wherein an image file corresponding to the capability of the receiving-side apparatus corresponds to a most accepted format);

**regarding claim 3**, when the retransmission data is generated, if a capability of the receiving-end machine is suggested in the reception result notification, the transmission control section causes the retransmission data to have a format corresponding to the capability (see column 9, lines 25 – 27);

**regarding claim 4**, the transmission data includes image data (see column 3, lines 10 – 11), and the transmission control section alters a format of the image data of the transmission data, so as to cause the transmission data generation section to generate the retransmission data (see column 9, lines 25 – 27);

**regarding claim 7**, the transmission control section controls and causes the transmission data generation section to generate transmission data made up of e-mail data (see column 3, lines 12 – 13);

**regarding claims 29 and 30**, the data transmission method has a MDN function, and the reception result request is derived from the MDN function (see column 5 lines 49-61 and column 9, lines 20 – 37).

Maeda in view of Eguchi discloses, **regarding claim 5**, all the subject matter of the claimed invention as recited in paragraph 6 of this office action.

Maeda in view of Eguchi fails to teach the communication error is a transmission error which is nothing to do with a capability of the receiving-end machine, the transmission control section calls off generation of the retransmission data as recited in claim 5.

However, it is obvious to not retransmit data when the error is transmission error. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the communication error is a transmission error which is nothing to do with a capability of the receiving-end machine, the transmission control section calls off generation of the retransmission data in the method taught by Maeda in order to allow efficient use of system resources.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Eguchi as applied to claim 1 above, and further in view of Okamoto et al. (US 7000157).



Maeda in view of Eguchi discloses, **regarding claim 6**, Maeda discloses, regarding claim 5, all the subject matter of the claimed invention as recited in paragraph 6 of this office action.

Maeda in view of Eguchi fails to teach an operating section which displays information for a user and receives instructions from the user, wherein, the transmission control section controls and causes the operating section to display a format of the retransmission data for a user, and after receiving a retransmission instruction from the user, retransmits the retransmission data as recited in claim 6.

Okamoto et al. from the same or similar field of endeavors teach an operating section which displays information for a user and receives instructions from the user, wherein, the transmission control section controls and causes the operating section to display a format of the retransmission data for a user, and after receiving a retransmission instruction from the user, retransmits the retransmission data (see column 10, lines 35 –36, wherein display 12 corresponds to operating section, column 11, lines 29 – 54).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use an operating section which displays information for a user and receives instructions from the user, wherein, the transmission control section controls and causes the operating section to display a format of the retransmission data for a user, and after receiving a retransmission instruction from the user, retransmits the retransmission data in the method taught by Maeda in view of Eguchi in order to allow

effective data transmission by properly deal with the error (see column 12, lines 15 – 20).

8. Claims 14-21, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanimoto (US 2003/0020961) in view of Maeda in view of Eguchi

Tanimoto discloses, **regarding claim 14**, a data reception device, which receives the transmission data transmitted from the data transmission device defined in claim 1 and returns a reception result notification corresponding to the reception result, comprising:

a storing section which stores information of transmission data having already been received (see paragraph 57, lines 8 – 10); and

a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section (see paragraph 54, lines 1 – 33, wherein a confirmation message M4 with the original message ID written in the message ID column implies a determination is made if the received data is retransmission or new transmission based on the original message ID).

Tanimoto does not disclose a device, wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result. However, Maeda in view of Eguchi from the same or

similar fields of endeavor discloses a device, wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result (see column 9 lines 20-37).

Thus, it would have been obvious to the person of ordinary skill in the art to implement a device, wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result as taught by Maeda into the data reception device of Tanimoto.

The motivation for implementing a device, wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result is that it increases the efficiency of the system by transmitting a result back to the transmitting end.

**regarding claim 15**, the reception control section causes the storing section to store a communication management table which stores (i) an identifier of the transmission data having already been received (see Figure 10, Box subject) and (ii) related information of the transmission data having already been received, in association with each other (see Figure 10, Box Origin, Box result);

**regarding claim 16**, when the newly-received transmission data is determined as the retransmission data (see paragraph 79, lines 3 – 4, wherein the delivery confirmation mail (second receiving) corresponds to retransmission data), the reception

control section causes the communication management table to store an identifier of initial transmission data regarding the retransmission data, as related information of the retransmission data (see paragraph 79, lines 12 – 15);

**regarding claim 17**, when the newly-received transmission data is determined as the retransmission data, the reception control section updates related information of initial transmission data regarding the retransmission data, in accordance with a reception result of the retransmission data (see paragraph 79, lines 18 - 23);

**regarding claim 18**, a transmission control section of the data transmission device causes the initial transmission data and retransmission data regarding this initial transmission data to share a single first ID (see paragraph 53, lines 1- 7, wherein mail M1 corresponds to initial transmission data, paragraph 54, lines 12 – 20, wherein mail M3 corresponds to retransmission data, Figure 5, Box 21, Message-Id, Figure 7, Box original-Message-Id), and on ground of this first ID, the reception control section determines whether the newly-received transmission data is retransmission data or initial transmission data (see paragraph 54, lines 1 – 33, wherein a confirmation message M4 with the original message ID written in the message ID column implies a determination is made if the received data is retransmission or new transmission based on the original message ID);

**regarding claim 19**, the reception control section causes the first ID attached to the transmission data to be included in the reception result notification (see Figure 6, Box 22 Original-message-ID);

**regarding claim 20**, the , in addition to the first ID (see Figure 7, Box original-Message-Id), the transmission control section of the data transmission device causes a second ID(see Figure 7, Box Recipient@terminalB.Ifax)in the transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification, and on ground of the first ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data (see paragraph 54, lines 1 – 33, wherein a confirmation message M4 with the original message ID written in the message ID column implies a determination is made if the received data is retransmission or new transmission based on the original message ID);

**regarding claim 21**, a transmission control section of the data transmission device causes a second ID in transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification (see Figure 7, Box Recipient@terminalB.Ifax corresponds to a first ID, Box original-Message-Id corresponds to a second ID) and on ground of this second ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data (see paragraph 54, lines 1 – 33, wherein a confirmation message M4 with the original message ID written in the message ID column implies a determination is made if the received data is retransmission or new transmission based on the original message ID);

**Claims 25 and 27** are rejected the same reason as above.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda and Eguchi and Tanimoto, in view of Murano.

Maeda discloses, **regarding claim 24**, a data transmission device (see column 2, lines 66 – 67) in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine (see column 3, lines 26 – 36), comprising:

a transmission data generation section which generates the transmission data to be transmitted to the receiving-end machine (see column 3, lines 9 – 13, wherein image reading processor, transmission processor correspond to a transmission data generation section) ; and

a transmission control section (see column 4, lines 29 – 34, wherein CPU corresponds to a transmission control section) which controls and causes the transmission data generation section to generate the transmission data, and transmits the generated transmission data to the receiving-end machine, when a communication error occurs, the transmission control section causing the transmission data generation section to generate retransmission data with a format different from a format of the transmission data, and retransmitting the retransmission data to the receiving-end machine (see column 9, lines 20 – 30);

a data reception device which receives the transmission data transmitted from the data transmission device and returns a reception result notification corresponding to the reception result (see column 3, lines 26 – 35), comprising:

a storing section which stores information of transmission data having already been received (see column 3 lines, 65 – 67, wherein the reception processor corresponds to a storing section);

Maeda fails to disclose a data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine. However, Eguchi from the same or similar fields of endeavor suggests a data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine (see paragraphs 42-46, the received electronic mail is transmitted with a receipt notification request).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine as taught by Eguchi into the device of Maeda.

The motivation for implementing the data transmission device transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine is that it allows the receiving side to inform the electronic mail sender of result of mail reception (see paragraph 14).

Also, Maeda and Eguchi fail to teach a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section.

Tanimoto from the same or similar field of endeavors teach a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section (see paragraph 54, lines 1 – 33, wherein a confirmation message M4 with the original message ID written in the message ID column implies a determination is made if the received data is retransmission or new transmission based on the original message ID);

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section in the system taught by Maeda and Eguchi in order to allow efficient data processing by avoiding processing duplicate copy of data.

Maeda, Eguchi, and Tanimoto do not expressly disclose a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be re transmitted, When the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set



number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine.

However, Murano, from the same or similar fields of endeavor, disclose a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be re transmitted (see column 5 lines 59-68, determines if the number of frame retransmissions exceeds a preset value),

when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine (see column 5 lines 25-33, retransmitting a new frame to the receiving side),

when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine (see column 5 lines 59-68, when the number of frame retransmissions exceeds a preset value, a small frame size is selected, where the frame size is broadly interpreted as the format and the small frame size is different from the standard frame size).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a transmission control section determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be re transmitted, When the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without

altering its format to the receiving-end machine, when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine as taught by Murano into the system of Maeda, Eguchi, and Tanimoto in order to automatically reduce the amount of retransmitted data and consequently reducing the transmission time without manual operation (see column 5 lines 44-49).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pao Sinkantarakorn whose telephone number is (571)270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. S./  
Examiner, Art Unit 2416

/Ricky Ngo/  
Supervisory Patent Examiner, Art  
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